

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 23RD NOVEMBER 2006 / 2ND AGRAHAYANA 1928

WP(C).No. 22675 of 2006(Y)

PETITIONER:

RADHAMANI. A., K.S.R.A.63,
T.C.30/1165, NEAR PETTAH RAILWAY STATION,
TRIVANDRUM.

BY ADV. SRI.NAGARAJ NARAYANAN

RESPONDENTS:

1. SECRETARY, TRIVANDRUM CORPORATION
CORPORATION OFFICE, MUSEUM, TRIVANDRUM.
2. TOWN PLANNING OFFICER, TRIVANDRUM
CORPORATION, CORPORATION OFFICE,
MUSEUM, TRIVANDRUM.
3. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, LOCAL SELF GOVERNMENT
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

ADDL. 4. THE TRIBUNAL FOR LOCAL SELF GOVERNMENT
INSTITUTIONS, THIRUVANANTHAPURAM.

(IMPLEADED AS PER JUDGMENT DT.23.11.06)

BY ADV. SRI. N. NANDAKUMARA MENON, SC, TVPM CORPN.
SRI. MATHEW G. VADAKKEL, SR. GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23/11/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 22675 OF 2006

Dated this the 23rd day of November, 2006

JUDGMENT

The Tribunal for Local Self Government Institutions, Thiruvananthapuram is impleaded as additional 4th respondent in the Writ Petition. The registry will carry out necessary corrections.

2. Heard Sri. N.Nagaraj Narayanan, counsel for the petitioner, Sri.Nandakumara Menon, Standing Counsel for the Corporation and also Sri.Mathew G. Vadakkal, learned Government Pleader.

Sri. Nandakumara Menon, Standing Counsel has filed a statement on behalf of the 1st respondent Corporation. Even though the Writ Petition has been amended incorporating grounds of challenge against Rule 8(3) of the Tribunal for Local Self Government Institution Rules, which provides that the Tribunal is empowered to condone the delay of only one month, I am of the view that it is not necessary that those grounds be considered in this case. I permit the petitioner to prefer an appeal against Ext.P2 before the Tribunal. If the Tribunal for Local Self Government Institutions receives an appeal against Ext.P2 from the writ petitioner within two weeks of petitioner receiving a copy of this judgment, the Tribunal will entertain that appeal as one filed on time notwithstanding the provisions of Rule 8(3). If any appeal is filed by the petitioner as directed above, the same will be disposed of by the Tribunal- additional 4th respondent in accordance with law at its earliest and at any rate within 4 months of the Thiruvananthapuram Corporation being served with

notice. In view of the above directions, the interim order staying demolition will continue for a period of two months from today.

PIUS C. KURIAKOSE, JUDGE

btt

